

### **REMARKS**

Claims 46 – 67 are pending and at issue.

The December 29, 2008 office action confirms that claims 46 – 67 recite allowable subject matter.

The office action rejects the reissue oath/declaration as defective.

In reviewing the claims submitted in the September 26, 2008 amendment, applicant's representatives noticed a grammatical error appearing in some of the claims. Specifically, the phrase "***an biologic material***" was used instead of the proper form "***a biologic material.***" Applicant has amended claims 46, 52, 54, 55, 60, and 61 above to correct this typographical error. No other amendments have been made, except to the listing of dependent claims identified in claim 62 – the listing was missing some spaces and a comma between the claim numbers.

Applicant understands that the reissue oath/declaration is still rejected as defective. However, as discussed with Examiner Evans, applicant's representatives desired to have this corrective amendment filed before submitting the supplemental declaration. Applicant will obtain the signatures and file a supplemental declaration in short order. In the meantime, applicant asserts that the above amended claims are proper for entry after final.

#### **I. Status of Claims**

Claims 46 – 67 remain pending and at issue.

The status of the claims is as follows:

Cancelled: Claims 1-45;

Amended: Claim 47 is amended by Amendment above,  
Claim 67 was previously amended by Amendment dated  
September 13, 2005; and

Thrice Amended: Claims 46, 52, 54, 55, 60, and 61 are amended by Amendment  
above, and are now each thrice amended.

## **II. Reissue Oath/Declaration**

The Applicant will provide a supplemental reissue oath/declaration in short order.

## **III. Conclusion**

The claims are in condition for allowance and an expedited confirmation of the same is respectfully requested.

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Respectfully submitted,

By 

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